

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2006-1023-WAB (wetland #4)

PROJECT MANAGER: William Baer

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 2/15/07

At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: MN

County: Becker

Center coordinates of site by latitude & longitude: 46.8239351786/-95.85500287144

Approximate size of site/property (including uplands) in acres: 5

Name of waterway or watershed: Otter Tail MN (watershed)

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.27								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?		x			

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

(1) A new highway overpass will be constructed across the railroad tracks. The ~2 acre bridge construction site is located on the western end of Detroit Lakes. The overall project involves the reconstruction of Highway 10 through the community. The project originally was slated to impact three wetland basins. However, the highway overpass construction site has been redesigned to accommodate rail traffic, which will now require the filling of a wetland lying between tracks. This basin is identified as wetland #4, which is the subject of this JD.

(2-3) A review of available information, including USGS topographic maps, NWI maps, USDA soil survey information, MN Public Waters Inventory map, aerial photos, and information provided on behalf of the applicant, indicates wetland #4 is isolated and does not have an apparent identifiable surface water connection to jurisdictional waters. The wetland is located entirely within Becker County, Minnesota. Furthermore, the wetland is not navigable-in-fact and does not appear to support interstate commerce.

(4) There are no jurisdictional waters of the U.S. occurring at the overpass site.